

First Published in the Wichita Eagle on August 26, 2011

RESOLUTION NO. 11-215

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF IMPROVEMENTS TO AREA WALLS ON PUBLIC WAY OR LAND ABUTTING PUBLIC WAYS CONSISTING OF PHASE 2 FACADE IMPROVEMENTS TO THE THIRD THROUGH EIGHTH STORIES OF 104 SOUTH BROADWAY AVENUE THAT ABUTS PUBLIC WAYS, INCLUDING DOUGLAS AVENUE, BROADWAY AVENUE AND PUBLIC RIGHT OF WAY SOUTH OF THE DESCRIBED BUILDING IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING IMPROVEMENTS TO AREA WALLS ON PUBLIC WAY OR LAND ABUTTING PUBLIC WAYS CONSISTING OF PHASE 2 FACADE IMPROVEMENTS TO THE THIRD THROUGH EIGHTH STORIES OF 104 SOUTH BROADWAY AVENUE THAT ABUTS PUBLIC WAYS, INCLUDING DOUGLAS, BROADWAY AVENUE AND PUBLIC RIGHT OF WAY SOUTH OF THE DESCRIBED BUILDING IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct Phase 2 Facade Improvements to the third through eighth stories of 104 S. Broadway abutting public ways, including Douglas Avenue, Broadway Avenue and public right of way south of the described building.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be Six Hundred Eighty One Thousand Six Hundred Sixty Seven Dollars (\$681,667).

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

Lots 1, 3, and 5 on Douglas Avenue, N.A. English's Addition, City of Wichita, Sedgwick County, Kansas

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a square foot basis.

Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 6. The approved estimated cost of the Improvements is the estimated cost of the Improvements as set forth in this Resolution. The Finance Director shall prepare a proposed assessment

roll for the Improvements which shall set forth the proposed maximum assessment against each lot, piece or parcel of land within the improvement district for the Improvements in the manner set forth in this Resolution based on such estimated cost of the Improvements. The proposed assessment roll shall be maintained on file with the City Clerk and be open for public inspection. Following preparation of the proposed assessment roll, the Governing Body shall hold a public hearing on the proposed maximum assessments on September 13, 2011, or the first regularly scheduled City Council meeting thereafter after compliance with the notice provisions set forth in this paragraph. The City Clerk shall publish notice of the public hearing for the improvement district at least once not less than 10 days prior to the public hearing, and shall mail to the owner of the property liable to pay the assessments, at its last known post office address, a notice of the hearing and a statement of the maximum cost proposed to be assessed all in accordance with K.S.A. 12-6a09.

SECTION 7. Construction of the above described improvement shall not begin until a notice to proceed has been issued by the City. The above described improvement shall be certified to be completed by the project architect of record prior to the commencement of construction on any additional phase of facade work at the above described location.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 23rd day of August, 2011.

By: _____
Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

APPROVED AS TO FORM:

Gary Rebenstorf, City Attorney